

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CADLEROCK JOINT VENTURE, L.P.,

Plaintiffs,

- against -

ORDER
09-CV-2507 (RRM) (RER)

ADON FRUITS & VEGETABLES INC. and
SIMON SARDAR,

Defendants.

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MAUSKOPF, United States District Judge.

On March 3, 2010, Plaintiff Cadlerock Joint Venture, L.P. (“Cadlerock”) moved for contempt against Defendant Simon Sardar (“Sardar”) for failure to comply with a post-judgment subpoena. The Court referred Plaintiff’s motion for contempt to the Honorable Ramon E. Reyes, United States Magistrate Judge, for a Report and Recommendation (“R&R”). On April 21, 2010, Judge Reyes found that Cadlerock “failed to serve Sardar either personally or in a manner ‘reasonably designed to ensure actual receipt’ of the subpoena” and therefore, recommended that Plaintiff’s motion “be denied without prejudice to re-application upon proper service of the subpoena on Sardar.” Document 11. On April 28, 2010, Plaintiff filed objections to the R&R, insisting that the subpoena was properly served.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has conducted a *de novo* review of the R&R. Having conducted such review and upon careful consideration, Plaintiff’s objections are overruled and the R&R is adopted in its entirety. While the Court recognizes Plaintiff’s efforts to effect service on Sardar, in the interest of justice, Plaintiff is instructed to make further efforts, consistent with Judge Reyes’ R&R, to effect service reasonably designed to ensure actual receipt of the subpoena by Sardar.

CONCLUSION

Accordingly, it is hereby ORDERED that Plaintiff's motion for contempt [Doc. No. 10] is DENIED for the reasons stated in Magistrate Judge's Report and Recommendation [Doc. No. 11], without prejudice to renew upon proper service of the subpoena on Sardar.

SO ORDERED.

Dated: Brooklyn, New York
June 7, 2010

s/RRM

ROSLYNN R. MAUSKOPF
United States District Judge